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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/685,165	10/05/2000	Michael Carl Heumann	1776P	3401

7590

01/07/2004

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P O Box 51418  
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EXAMINER

KINDRED, ALFORD W

ART UNIT	PAPER NUMBER
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2172

DATE MAILED: 01/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/685,165

Applicant(s)

HEUMANN ET AL.

Examiner

Alford W. Kindred

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 October 2003.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

### DETAILED ACTION

1. This action is responsive to communications: Amendment B, filed on 10/10/03.

This action is made final.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Presnell et al., US# 6,182,067 B1 in view of Dornbush et al., US# 6,471,521 B1.

As per claims 1, 9, 11, and 26-28, Presnell et al. teaches "receiving information input a database; organizing items . . . database" (see col. 4, lines 10-44) "using data . . . allowing users to access and sort items of information according to selected rating criteria . . ." (see col. 8, lines 31-47). Presnell does not explicitly teach "collecting ratings and comments associated . . .". Dornbush et al. "collecting ratings and comments associated . . ." (see fig. 4—sheet 8 of 22 and col. 10, lines 55-67). It would have been obvious at the time of the invention for one of ordinary skill in the art to have combined the teachings of Dornbush and Presnell above, because using the steps of "collecting ratings and comments associated . . ." would have given those skilled in the art the tools to measure the relevancy of data received from a data via ratings and

comments regarding the data. This gives users the advantage of receiving information relevant data based on input by users who are familiar with that data.

As per claim 2, Presnell et al. teaches "adding content, multi-criteria ratings and comment . . ." (see col. 9, lines 55-67 and col. 10, lines 1-17).

As per claim 3, Presnell et al. teaches "displaying rating scores for each item . . ." (see col. 16, lines 43-67).

As per claim 4, Presnell et al. teaches "allowing users to locate and access selected content in a graphic display format" (see col. 12, lines 35-65).

As per claim 5, Presnell et al. teaches "constraining the input according to subject and topic classification choices made by user prior to contributing content" (see col. 18, lines 4-39).

As per claims 6-7, Presnell et al. teaches "graphic symbols for representing the aggregate rating scores for each criteria . . ." (see col. 16, lines 40-65).

As per claims 8 and 27, Presnell et al. teaches "provides a side-side . . . allowing individuals to make informed decisions . . ." (see col. 3, lines 20-40).

As per claim 10, Presnell et al. teaches "the graphic display format provides a display of other comments providing additional information . . ." (see col. 3, lines 14-56).

As per claim 12, Presnell et al. teaches "displaying the level of support for an item of information . . ." (see abstract).

As per claims 13-14, Presnell et al. teaches "selected rating criteria . . . weighted combinations . . ." (see col. 4, lines 16-67).

As per claims 15-17, Presnell et al. teaches "selected personal preferences indicating the importance of each rating criteria . . ." (see col. 16, lines 46-67).

As per claim 18, Presnell et al. teaches "allowing users to search on a given subject . . ." (see col. 15, lines 20-55).

As per claims 19-21, Presnell et al. teaches "allowing users to add new subject . . . knowledge base" (see col. 18, lines 2-17).

As per claim 22, Presnell et al. teaches "allowing content . . . comment feedback" (see col. 3, lines 39-63).

As per claim 23, Presnell et al. teaches "a first area that shows the subject . . ." (see col. 11, lines 34-67) "a third area that shows ratings related to the subjects . . ." (see col. 16, lines 40-67).

As per claim 24, this claim is rejection on grounds corresponding to the arguments given above for rejected claim 6 and are similarly rejected.

As per claim 25, Presnell et al. teaches "provides a navigation area indicating where the posting is located within the data base structure" (see fig. 11A—sheet 14 of 31).

### ***Response to Arguments***

4. Applicant's arguments filed 10/10/03 have been fully considered but they are not persuasive.

--As per applicant's arguments regarding "Ratings can be added to the items, but are not used as an algorithmic basis . . .", examiner maintains that Presnell's Ratings

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element is synonymous to applicant's use of ratings, since both are used to calculate some time of variable regarding an object and thus the teachings are extremely similar if not the same. Further applicant argues that "comments are tracked in separate database fields . . ." which represent language not present in the claim language and is not given considerable weight.

--As per applicant's arguments regarding "Comments can be added, but again are not used to filter the data . . ." examiner maintains that Presnell combined with Dornbush's comment element are clearly synonymous to applicant's claim language regarding commenting. Examiner does not find the filtering language in applicant's claim language and therefore the arguments regarding filtering is not given much weight. Presnell combined with Dornbush's comment element are directed towards a particular data object in a manner similarly to that of applicant claims language and therefore the teachings are synonymous.

***Conclusion***

**5. THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

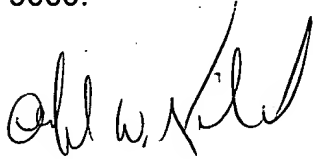
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alford W. Kindred whose telephone number is 703-305-3802. The examiner can normally be reached on Mon-Fri 9:00 am- 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Klm Vu can be reached on (703) 305-4393. The fax phone number for the organization where this application or proceeding is assigned is (703)746-7239.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9000.

A handwritten signature in black ink, appearing to read 'Alford W. Kindred', written in a cursive style.

Alford W. Kindred  
Patent Examiner  
Tech Ctr. 2100